

## SECTION 20: ADMINISTRATION

### Section 20.1: Determination As To Uses Not Listed

#### Section 20.1-1: Purpose and Initiation

In order to ensure that the zoning regulations will permit all similar uses in each zone, the Planning and Zoning Commission, upon its own initiative or upon written request shall determine whether a use not specifically listed as a permitted or conditional use in any zone shall be deemed a permitted use or a conditional use in any one or more zones on the basis of similarity to uses specifically listed. The procedures of this Section shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses.

#### Section 20.1-2: Application

Application for determination of similar uses shall be made in writing to the Director of Community Development and shall include a detailed description of the proposed use and such other information as may be required by the Director to facilitate the determination.

#### Section 20.1-3: Investigation and Report

The Director of Community Development shall make such investigations of the application as necessary to compare the nature and characteristics of the proposed use with those uses specifically listed and shall make a report of his findings to the Planning and Zoning Commission.

#### Section 20.1-4: Determination

The determination of the Planning and Zoning Commission shall be final fifteen (15) days from the date of the decision unless an appeal is filed.

#### Section 20.1-5: Appeal to Board of Supervisors

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the Board of Supervisors by the applicant or any other person, as prescribed in Section 20.6 (Appeals: Board Review), or by any member of the Board of Supervisors without fee.

#### Section 20.1-6: Determination by Board of Supervisors

The Board of Supervisors shall make a determination as prescribed in Section 20.6-3 (Board Action on Appeal) if an appeal has been filed within the prescribed fifteen (15) day appeal period. The decision of the Board shall be final.

**Revised: 7/89, 4/90, 3/02**

## Section 20.2: Citizen Participation

### Section 20.2-1: Purposes

In order to maximize the opportunity for citizen involvement in the rezoning and conditional use permit process that is described in the following sections, and to resolve any neighborhood issues at an early stage in the process, the following requirements shall be included in the public hearing process.

### Section 20.2-2: Citizen Participation Plan

- A. Every zone change and conditional use permit application shall include a citizen participation plan that must be implemented prior to the first public hearing.
- B. The purpose of the citizen participation plan is to achieve the following:
  - 1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or on the neighborhood;
  - 2. Ensure that the citizens and property owners of Coconino County have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
  - 3. Facilitate ongoing communication between the applicant, interested citizens and property owners, County staff, and elected officials throughout the application review process.
- C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
- D. At a minimum, the citizen participation plan shall include the following:
  - 1. Which residents, property owners, interested parties and public and private agencies may be affected by the application;
  - 2. How those interested in and potentially affected by an application will be notified that an application has been made;
  - 3. How those interested and potentially affected parties will be informed of the substance of the zone change, amendment, or development proposed by the application;
  - 4. How those interested and affected parties will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
  - 5. The applicant's schedule for completion of the citizen participation plan; and
  - 6. How the applicant will keep the County Community Development Department informed on the status of citizen participation efforts.
- E. Applicants must conduct a neighborhood community meeting prior to submitting an application for a zone change or a conditional use permit.
  - 1. The meeting must be conducted in the general vicinity of the property involved in the application. The meeting serves as a forum for information exchange between applicants and affected members of the public.

**Revised: 4/01, 3/02**

## Section 20.2-2: Citizen Participation Plan (Continued)

2. An applicant may make a written request and receive a written determination whether, due solely to impractical circumstances, the requirement for a community meeting should be waived by the Department of Community Development. At a minimum the request must explain why the applicant's citizen participation plan provides other adequate, alternative opportunities for citizens to express any concerns, problems or issues they may have with the proposal in advance of the public hearing. The Community Development Department shall make their determination a part of the written record in the case.
- F. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for notification will be determined by the applicant after consultation with Department of Community Development staff. At a minimum, the target area shall include the following:
1. Property owners within the public hearing notice area required by other sections of this ordinance;
  2. The head of any property owners' association within the notice area required by other sections of this ordinance; and
  3. Other potentially affected property owners outside of the legal notice area as determined by Community Development Department staff; and
  4. Other interested parties who have requested that they be placed on a list of interested parties maintained by the Community Development Department.
- G. These requirements apply in addition to any notice provisions required elsewhere in this ordinance.
- H. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after a pre-application meeting and consultation with Community Development Department staff.

## Section 20.2-3: Citizen Participation Report

- A. This section applies only when a citizen participation plan is required by this ordinance.
- B. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Planning and Zoning Commission.
- C. At a minimum, the citizen participation report shall include the following information:
1. Details of the techniques the applicant used to involve the public, including:
    - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
    - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
    - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and

**Revised: 4/01, 3/02**

### Section 20.2-3: Citizen Participation Report (Continued)

- d. The number of people that participated in the process.
  - e. The percentage of those notified that participated in the process.
2. A summary of concerns, issues, and problems expressed during the process, including:
- a. The substance of the concerns, issues, and problems;
  - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
  - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

### Section 20.3: Conditional Uses

#### Section 20.3-1: Purposes

In order to give the use regulations the flexibility necessary to achieve the objectives of this Section, in certain zones conditional uses are permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning and Zoning Commission is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits, subject to the right of appeal to the Board of Supervisors.

#### Section 20.3-2: Application: Data and Maps to be Furnished

Application for a conditional use permit shall be filed with the Director of Community Development on a form prescribed by the Director and shall include the following data and maps:

- A. Name and address of the applicant.
- B. Statement that the applicant is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way.
- C. Address and legal description of the property.
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this Section, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in Section 20.3-7.
- E. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

**Revised: 7/89, 4/01, 3/02**

- F. Plot plans and elevations, fully dimensioned, indicating the type and location of all buildings and structures, parking and landscape areas and signs. Elevation plans shall be of sufficient detail to indicate the type and color of materials to be employed and methods of illumination for signs. Screening, landscape and irrigation plans shall be included in the plans.
- G. Plans and/or a preliminary report describing the proposed provisions for storm drainage, sewage disposal and such other public improvements and utilities as the Director may require in order to give a full evaluation of the project.

#### Section 20.3-3: Fee

The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover to cost of handling the application as prescribed in this Section.

#### Section 20.3-4: Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a conditional use permit. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice). At the public hearing, the Commission shall review the application and drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 20.3-7.

#### Section 20.3-5: Investigation and Report

The Director of Community Development shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and made available to the applicant prior to the public hearing.

#### Section 20.3-6: Action of the Planning and Zoning Commission

Within twenty-one (21) days following the closing of the public hearing on a conditional use permit application, the Planning and Zoning Commission shall act on the application. The Commission may grant, by resolution, a conditional use permit as the permit was applied for or in modified form, or the application may be denied. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. Conditions may include, but shall not be limited to, drainage, sewage, water and other utility requirements, requiring special yards, open spaces, buffers, fences and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operating; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; prescription of development schedules and development standards; and such other conditions as the Commission may deem necessary to insure compatibility of the use with surrounding developments and uses and to preserve the public health, safety and welfare. A conditional use permit may grant variances to the regulations prescribed by this Section for fences, walls, hedges, screening and landscaping; site area, width and depth; front, rear, and side yards; coverage; height of structures; distances between structures; usable open space; signs; off-street parking facilities, or the frontage on a public street for which variance procedures are described by Section 20.7 (Variances).

**Revised: 7/89, 4/01, 3/02**

### Section 20.3-7: Findings

The Planning and Zoning Commission shall make the following findings before granting a conditional use permit:

- A. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- C. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
- D. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the General Plan or Specific Plan for the area.

### Section 20.3-8: Effective Date of the Use Permit

The decision of the Planning and Zoning Commission shall be final fifteen (15) days from the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless prior to the expiration of said fifteen (15) day period an appeal has been filed with the Board of Supervisors.

### Section 20.3-9: Appeal to Board of Supervisors

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the Board of Supervisors by the applicant or any other person as prescribed in Section 20.6 (Appeals: Board Review); or by appeal of an individual member of the Board without fee.

### Section 20.3-10: Determination by the Board of Supervisors

The Board of Supervisors shall hold a public hearing on a conditional use permit as prescribed in Section 20.6-3 if an appeal has been filed within the prescribed fifteen (15) day appeal period. The decision of the Board shall be final.

### Section 20.3-11: Lapse of Conditional Use Permit

- A. A conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or Certificate of Occupancy is required, provided that a use permit for a public utility installation may be valid for a longer period if specified by the Planning and Zoning Commission.

**Revised: 7/89, 4/01, 3/02**

- B. A conditional use permit subject to lapse may be renewed, provided that prior to the expiration date, an application for renewal of the use permit is filed with the Commission.
- C. The Planning and Zoning Commission may grant or deny an application for renewal of a conditional use permit subject to the modification of existing conditions of approval and/or the addition of new conditions of approval.
- D. A conditional use permit shall also lapse if the use for which the permit is approved is terminated for a period of two years. Recommencement of the use after the two year period of inactivity shall require filing a new application following the requirements and processes specified in Sections 20.3-2 through 20.3-10.

#### Section 20.3-12: Pre-Existing Conditional Uses

- A. A conditional use legally established prior to the effective date of this Ordinance or prior to the effective date of subsequent amendments to the regulations or zone boundaries, shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.
- B. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of a use permit as prescribed in this Section, provided that alterations not exceeding in value 25% of the valuation of the existing use or building as determined by the Chief Building Inspector shall be permitted without the granting of a conditional use permit.
- C. A conditional use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than fifty percent (50%). The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the County Engineer and Chief Building Inspector and shall be based on the minimum cost of construction in compliance with the Building Code.

#### Section 20.3-13: Modification of Conditional Use

Sections 20.3-2 through 20.3-11 shall apply to an application for modification, expansion, or other change in a conditional use, provided that minor revisions or modifications may be approved by the Director of Community Development if he determines that the changes would not affect the findings prescribed in Section 20.3-7 (Findings).

#### Section 20.3-14: Suspension and Revocation

Upon violation of any applicable provision of this Ordinance, or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended automatically. The Planning and Zoning Commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 20.2-4 (Public Hearing), and if not satisfied that the regulation, general provisions, or conditions are being complied with, may revoke the conditional use permit or take

**Revised: 10/86, 7/89, 4/90, 4/01, 3/02**

such action as may be necessary to ensure compliance with the regulation, general provisions, or condition. The decision shall become final thirty (30) days following the date on which the use permit was revoked unless an appeal has been filed within the prescribed fifteen (15) day appeal period, in which case Section 20.6-3 (Board Action on Appeal) shall apply.

#### Section 20.3-15: New Applications

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same use on the site shall be filed within one year from the date of denial or revocation of the use permit.

#### Section 20.3-16: Use Permit To Run With The Land

A use permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change in ownership of the site or structure which was the subject of the use permit application.

#### Section 20.3-17: Use Permit and Change of Zone Filed Concurrently

Application for a conditional use permit may be made at the same time as an application for a change in zone boundaries including the same property, in which case the Planning and Zoning Commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this Section, the date of the Commission decision on the use permit application shall be deemed to be the same as the date of enactment by the Board of Supervisors of an ordinance changing the zone boundaries, provided that if the Board modifies a recommendation of the Commission on a zoning reclassification, the use permit application shall be reconsidered by the Commission in the same manner as a new application.

### Section 20.4: Amendments

#### Section 20.4-1: Purpose

The zoning map and zoning regulations may be amended by changing the boundaries of any zone or by changing any zone regulation or any other provision of this Ordinance in accord with the procedure prescribed in this Section.

#### Section 20.4-2: Initiation

- A. A change in the boundaries of any zone may be initiated by a property owner or authorized agent of a property owner by filing an application for a change in zone boundaries as prescribed in this Section.
- B. A change in the boundaries of any zone or change in the regulations may be initiated by the Planning and Zoning Commission or the Board of Supervisors.

**Revised: 10/86, 7/89, 4/90, 9/93, 4/01, 3/02**



#### Section 20.4-3: Conformity with General Plan

An application for a change in zone classification which does not conform to the land use designation as identified in the General Plan shall not be processed until an amendment to the General Plan has been filed, as prescribed in Section 20 (Amendments to General Plan).

#### Section 20.4-4: Application: Data and Maps to be Furnished

A property owner desiring to propose a change in the boundaries of the zone in which his property is located, or his authorized agent, may file with the Director of Community Development an application for a change in zone boundaries on the form prescribed by the Director and shall include the following data:

- A. Name and address of the applicant.
- B. Signature of the property owners.
- C. Address and legal description of the property.
- D. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance determined by the Director of Community Development to be necessary to illustrate the relationship to and impact on the surrounding area.
- E. The Director of Community Development may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this Ordinance. The Director may authorize omission of the map required by this Section if it is not necessary.
- F. A list of all owners of properties located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

#### Section 20.4-5: Fee

The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of processing the application as prescribed in this Section.

#### Section 20.4-6: Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a change in zone boundaries or for a change of the zoning regulations. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice).

#### Section 20.4-7: Investigation and Report

The Director of Community Development shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and to the applicant prior to the public hearing.

#### Section 20.4-8: Public Hearing Procedure

At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this Ordinance, the General Plan and the development policies of the County.

#### Section 20.4-9: Action by the Planning and Zoning Commission

Within 21 days following the closing of the public hearing, the Planning and Zoning Commission shall make a decision based on the following findings:

1. That the change is consistent with the goals, objectives and policies of the General Plan and this Ordinance.
2. That the change is in the interest of or will further the public health, safety, comfort, convenience and welfare.
3. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

Based on these findings, the Commission shall recommend that the application be approved, approved in modified form, or denied. Said recommendation shall be transmitted to the Board of Supervisors for final hearing and disposition.

#### Section 20.4-10: Alternate Classification in Lieu of Proposed Classification

When the Planning and Zoning Commission determines, following a public hearing on a change in the boundaries of any zone, that a change to a zone classification other than the proposed classification specified in the hearing notice is desirable, the Commission may recommend alternate classifications to a proposed classification in accord with the following schedule:

##### Proposed Zone Described in Public Hearing Notice

G  
AR  
RS-6,000  
RS-10,000  
RS-18,000  
RS-36,000  
RM-10/A  
RM-20/A  
CN-2/A  
CG-10,000  
CH-10,000  
MP-20,000

##### Alternate Zones That May be Considered

None  
Any AR or RR requiring equal or larger lot sizes  
Any other single family zone  
Any single family zone requiring larger lot sizes  
Any single family zone requiring larger lot sizes  
Any single family zone requiring larger lot sizes  
Any single family zone  
Any other residential zone  
None  
CN-2/A  
CG-10,000, CN-2/A  
None

**Revised: 7/89, 4/90, 5/92, 3/02**

## Section 20.4-10: Alternate Classification in Lieu of Proposed Classification (Continued)

<u>Proposed Zone Described in Public Hearing Notice</u>	<u>Alternate Zones That May be Considered</u>
M-1-10,000	MP-20,000
M-2-6,000	MP-20,000, M-1-10,000
Special Purpose Zones	None

## Section 20.4-11: Action by the Board of Supervisors

The Board of Supervisors shall hold at least one public hearing on an application or a proposal within 40 days after receipt of the resolution or report of the Planning and Zoning Commission. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice). Within 21 days following the closing of a public hearing, the Board shall make a decision based on the findings required by Section 20.4-9.

- A. If the Board finds that the change is consistent with the findings required by Section 20.4-9, it shall approve an ordinance amending the zoning map or zoning regulations, whichever is appropriate.
- B. The Board may modify a decision of the Planning and Zoning Commission recommending the granting of an application or adoption of a proposal. However, prior to making a final decision on the amendment or proposal, the Board may, but shall not be required to, submit any or all modifications to the Commission for reconsideration at a public meeting. The Commission may, but is not required to, provide supplemental comments on the modifications to the Board. The Board may consider any supplemental comments from the Commission before making the findings required by Section 20.4-9 and rendering a final decision. Failure of the Commission to report within 30 days after receipt of the Board request shall be deemed concurrency.
- C. If the Board finds that the change is not consistent with the findings required by Section 20.4-9, it shall deny the application or reject the proposal.

In accordance with ARS § 11-829, if twenty percent (20%) of the owners of property by area and number within the zoning area (for the purpose of this Section “zoning area” means the area within three hundred feet of the proposed amendment or change) file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the Board. If any members of the Board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the Board, except that the required number of votes in no event shall be less than a majority of the full membership of the Board. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet of the property to be rezoned shall be included. In calculating the owners by number or area, County property and public rights-of-way shall not be included.

**Revised: 10/86, 7/89, 8/90, 9/93, 6/00, 3/02**

#### Section 20.4-12: New Application

Following the denial of an application for change in zone boundaries or a change in the zoning regulations, an application or request for the same or substantially the same change on the same or substantially same property shall not be filed within one year of the date of denial.

#### Section 20.4-13: Conditional Zoning

Approval of a zone change to any of the commercial or industrial zones or to any of the special use zones may be conditioned on a schedule for development of the specific use or uses for which the rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the Board after notification by registered mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification.

#### Section 20.5: Public Hearing Time and Notice

The Director of Community Development shall set the time and place of public hearings required by this Ordinance to be held by the Planning and Zoning Commission or Board of Adjustment, provided that the Commission or Board may change the time or place of a hearing. However, the Planning and Zoning Commission or Board of Adjustment shall hold a public hearing within seventy-five (75) days after the appropriate application has been filed.

The Clerk of the Board shall set the time and place of public hearings required by this Ordinance to be held by the Board of Supervisors, provided that the Board may change the time or place of a hearing. The Board of Supervisors shall hold a public hearing on a rezoning request, or an amendment approved by the Commission not less than sixty (60) days after notice of such decision or appeal has been filed with the Clerk of the Board unless the applicant or appellant shall consent to an extension of time. Notice of a public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation. When the hearing concerns a matter other than an amendment to the text of this Ordinance, the property shall be posted at least 15 days prior to the hearing. Notices of public hearings before the Planning and Zoning Commission, Board of Adjustment, or Board of Supervisors shall be mailed to all persons whose names appear on the latest adopted tax roll of Coconino County as owning property within 300 feet of the exterior boundaries of the property that is the subject of the hearing.

#### Section 20.6: Appeals: Board Review

##### Section 20.6-1: Appeal of Decision of Planning and Zoning Commission

Where this Ordinance provides for appeal to the Board of Supervisors of a decision of the Planning and Zoning Commission, the appeal shall be made within fifteen (15) days of the date of the decision by filing a letter of appeal with the Director of Community Development. The appeal shall state in writing the reasons for the appeal.

**Revised: 10/86, 7/89, 4/90, 3/02**

## Section 20.6-2: Fee

An appeal shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of processing the appeal.

## Section 20.6-3: Board Action on Appeal

The Board of Supervisors shall hold at least one public hearing on a decision of the Planning and Zoning Commission which has been appealed. The hearing shall be held within sixty (60) days from the filing of the appeal; the time and place of the hearing shall be set by notice given as prescribed in Section 20.5. The Board shall render a decision on an appeal within twenty-one (21) days following the closing of the public hearing on the appeal. Failure of the Board to act within the time period prescribed by this Section shall be deemed approval of the Planning and Zoning Commission action. The Board may affirm, reverse or modify a decision of the Planning and Zoning Commission. The decision of the Board of Supervisors shall be final.

## Section 20.7: Variances

### Section 20.7-1: Purposes and Authorization

- A. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- B. The power to grant variances does not extend to use regulations. Flexibility to the zoning regulations is provided in the conditional use provisions of this Ordinance.
- C. The Board of Adjustment may grant variances to the regulations prescribed by this Section, in accord with the procedure prescribed in this Section, with respect to fences, walls, hedges, screening, and landscaping; site area, width, and depth; front, rear, and side yards; coverage, height of structures; distances between structures; usable open space; signs, off-street parking facilities, or frontage on a public street.

### Section 20.7-2: Application: Data and Maps to be Furnished

Application for a variance shall be filed with the Director of Community Development on a form prescribed by the Director and shall include the following data and maps:

- A. Name and address of the applicant(s).
- B. Statement that the applicant(s) is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the owner of the property on which the variance is being requested.

**Revised: 7/89, 4/90, 4/01, 3/02**

## Section 20.7-2: Application: Data and Maps to be Furnished (Continued)

- C. Address and legal description of the property.
- D. Statement indicating the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning regulations that would result from a strict or literal interpretation and enforcement of the specified regulations, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in Section 20.7-7 (Findings).
- E. An accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than two feet (2'), and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscaped areas.
- F. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
- G. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.

## Section 20.7-3: Fees

The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of handling the application as prescribed in this Section. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent sites with similar characteristics.

## Section 20.7-4: Public Hearing

The Board of Adjustment shall hold a public hearing on an application for a variance. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice). At a public hearing, the Board shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 20.7-7 (Findings).

## Section 20.7-5: Investigation and Report

The Director of Community Development shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the Board of Adjustment and made available to the applicant prior to the public hearing.

**Revised: 7/89, 4/01, 3/02**

#### Section 20.7-6: Action by the Board of Adjustment

Within twenty-one (21) days following the close of the public hearing on a variance application, the Board of Adjustment shall act on the application. The Board may grant, by resolution, a variance as the variance was applied for or in modified form, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe. Upon failure to act within the prescribed twenty-one (21) day period, the Board may lose jurisdiction and an appeal may be taken to the Superior Court as prescribed in ARS 11-807.

#### Section 20.7-7: Findings

The Board of Adjustment may grant a variance to a regulation prescribed by this Ordinance with respect to fences, walls, hedges, screening, or landscaping; site area, width, or depth; front, rear, or side yards; coverage, height of structures, distances between structures, usable open space, or frontage on a public street, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in paragraphs A, B, or C and in paragraphs D and E do apply.

- A. That the strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Ordinance.
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
- D. That the granting of the variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.
- E. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

#### Section 20.7-8: Signs: Additional Findings

The Board of Adjustment may grant a variance to a regulation prescribed in this Ordinance with respect to signs as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in Section 20.7-7 (Findings) apply and the following circumstances also apply.

- A. That the granting of the variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.
- B. That the granting of the variance will not create a hazard to public safety.

**Revised: 7/89, 4/01, 3/02**

#### Section 20.7-9: Parking: Additional Findings

The Board of Adjustment may grant a variance to a regulation prescribed by this Ordinance with respect to off-street parking facilities as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in Section 20.7-7 apply and the following circumstances apply.

- A. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
- B. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- C. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance.

#### Section 20.7-10: Appeals to Superior Court

A decision of the Board of Adjustment on a variance may be appealed within thirty (30) days to the Superior Court by the applicant or any other aggrieved person as prescribed in ARS 11-807.

#### Section 20.7-11: Effective Date of Variance

A decision of the Board of Adjustment on a variance shall be final thirty (30) days after the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless an appeal has been filed.

#### Section 20.7-12: Lapse of Variance

- A. A variance shall lapse and shall become void one year following the date on which the variance became effective unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or Certificate of Occupancy is required.
  - B. A variance may be renewed for an additional period of one year provided that prior to the expiration of one year from the date when the variance or the renewal became effective, an application for renewal of the variance is filed with the Director of Community Development.
  - C. The Board of Adjustment may grant or deny an application for renewal of a variance subject to the modification of existing conditions and/or the addition of new conditions of approval.
  - D. A variance shall also lapse if the use for which the variance is approved is terminated for a period of one year. Recommencement of the use after the one year period of inactivity shall require filing a new variance application according to the process and requirements listed in Sections 20.7-1 through 20.7-15.
- Revised: 7/89, 7/91, 4/01, 3/02**



### Section 20.7-13: Revocation

A variance granted by the Board of Adjustment subject to conditions shall be revoked by the Board if the applicant has not complied with the conditions. The decision of the Board revoking a variance shall become effective fifteen (15) days following the date on which it was revoked unless an appeal has been filed.

### Section 20.7-14: New Application

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the variance.

### Section 20.7-15: Variance Related to Plans Submitted

Unless otherwise specified at the time a variance is granted, it shall apply only to the plans and drawings submitted as part of the application.

## Section 20.8. Adjustments

### Section 20.8-1: Purpose and Authority

The purpose of this Section is to grant authority to the Director of Community Development to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations.

For the purpose of administering this Section, an adjustment is any variance to the terms or requirements of this Ordinance, which, if granted, would allow the following:

- A. A decrease of not more than 10% of the required building site area, width or depth.
- B. A decrease of not more than 20% of the required width of a side yard or the yard between buildings.
- C. A decrease of not more than 20% of the required front or rear yard.
- D. An increase of not more than 20% in the permitted height of a fence or wall.
- E. An increase of not more than 10% of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side or yard between buildings.
- F. An increase of not more than 10% of the permitted height or areas of signs.
- G. A decrease in the number of required parking spaces of not more than 10%.

**Revised: 7/89, 4/01, 3/02**

#### Section 20.8-1: Purpose and Authority (Continued)

- H. An increase of not more than 10% in the maximum allowable lot coverage.
- I. An increase of not more than 10% in the permitted height of buildings.

#### Section 20.8-2: Application: Data and Maps to be Furnished

Application for an adjustment shall be filed with the Director of Community Development on a form prescribed by the Director and shall include the following data and maps:

- A. Name and address of the applicant.
- B. Statement that the applicant is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the owner of the property on which the adjustment is being requested.
- C. Address and legal description of the property.
- D. Statement of the precise nature of the adjustment.
- E. An accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed property lines, locations of structures, parking areas, driveways, other improvements or facilities and landscaped areas.
- F. Other plans, drawings, or information which the Director deems necessary to enable proper consideration of the application.
- G. If the request is for a setback reduction, a letter approving the adjustment from the affected adjacent property owner.

#### Section 20.8-3: Fees

The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of handling the application as prescribed in this Section. A single application may include requests for adjustments from more than one regulation applicable to the same site, or for similar adjustments on two or more adjacent sites having the same characteristics.

#### Section 20.8-4: Findings

In granting an adjustment, the Director of Community Development shall make findings of fact that establish that the circumstances necessary for granting a variance by the Board of Adjustment, as prescribed in Section 20.7-7 (Findings) do apply.

**Revised: 10/86, 7/89, 4/01, 3/02**

#### Section 20.8-5: Site Area: Additional Findings

In order to grant approval of an administrative adjustment allowing a reduction in minimum site area the Director must make the following additional finding:

- A. That the property cannot otherwise meet the minimum site area requirement of its current zoning classification.

#### Section 20.8-6: Decision of Director

If the Director of Community Development denies an application for an adjustment, or, if the applicant disagrees with the conditions imposed on the granting of an adjustment, if any, the applicant may file for a variance in accordance with Section 20.7 (Variances).

#### Section 20.9: Animal Husbandry Activities or Projects

FFA, 4-H or any agricultural or recognized animal husbandry activity or project conducted primarily for educational purposes or school credits, may be permitted in any zone.

The following criteria shall be met:

- A. Active membership, including enrollment in the specific livestock project, must be maintained, the project must be operated in compliance with all requirements of the organization having jurisdiction over the project, and verification of such shall be required.
- B. The keeping of all animals shall be subject to The Rules and Regulations of the Coconino County Health Department, Sections 11-1 (General), 11-2 (Piggeries) and 11-3 (Sanitary Requirements), as applicable.
- C. Under this exemption the setback and number of animals per acre do not apply for animals utilized in animal husbandry projects. However, the setback exemption shall not apply to any piggery, which is required by The Rules and Regulations of the Coconino County Department of Public Health to be located at least three hundred (300) feet from an inhabited house on an adjoining property.
- D. An application for the animal husbandry exemption must be approved by the Department of Community Development before more animals than the number permitted in the zoning district are brought to the property, or before any required setbacks are waived.
- E. The setback exemption and/or the number of animals per acre exemption may be revoked by the Director of Community Development if the animal husbandry activity or project is found to be out of compliance with any rules or regulations of the organization having jurisdiction over the project (i.e. The University of Arizona Cooperative Extension, etc.). The finding of said lack of compliance must be made by the organization with jurisdiction.
- F. The setback exemption and/or the number of animals per acre exemption may be revoked by the Director of Community Development if a violation of Section 11-1, Section 11-2, or Section 11-3 of The Rules and Regulations of the Coconino County Department of Public Health is found to exist on the property. The finding of a violation must be made by the Coconino County Hearing Officer for Environmental Services.

**Revised: 10/86, 5/92, 9/95, 4/01, 3/04**

- G. The setback exemption and/or the number of animals per acre exemption may also be revoked by the Director of Community Development if a violation of Coconino County Ordinance Number 96-01 (Cruelty to Animals), or a violation of ARS § 13-2910 (Cruelty to Animals) is found to exist on the property. The finding of a violation must be made by a Justice of the Peace.
- H. A revocation of an exemption may be appealed to the Planning and Zoning Commission. A written appeal must be filed within thirty (30) days of the revocation.
- I. A decision by the Planning and Zoning Commission may be appealed to the Board of Supervisors. A written appeal must be filed within fifteen (15) days of the Commission's decision.